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# Legal Authorities

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## LEGAL AUTHORITIES

It frequently happens that the student enters upon the practice of law with an excellent command of legal principles obtained in the class room and yet is as helpless to aid his client as is a soldier, without ammunition, to defend his country. He has failed to become skilled in the use of his library. Since one can not memorize all the law, one must know where to find the law and how to use it when found.

On the grounds of logic as well as for convenience law publications may be divided into three general classes:

First, those books that contain the original law itself, that is to say the statutory law and judicial decisions and those which are usually designated as the books of "Primary Authority."

Second, those books that are published with the intention of explaining and expounding the law and are designated as those of "Secondary Authority."

Third, those books which are intended to aid the student in finding the law and may be described as "Search Books."

Under the first group are constitutions, statutes, codes, both federal and state of each class, treaties both foreign and domestic, also the federal and state reports from higher courts; and as the English decisions, prior to the Revolution, are the foundation of American case law these are considered and accepted by our courts as authority.

In the second group are text books, the five different types, the encyclopedia of law, digests, and law dictionaries. In this group also belong many articles on definite questions of law which appear in the Harvard, Yale and Columbia law reviews. The text book field is too great for mention of even a small per cent, but of the commentaries perhaps Blackstone and Kent are the most frequently quoted, and of the Monograph we have constant use for Gray on the Rule against Perpetuities. The majority of the law text books fall in the text book digest class, and in this class the number of excellent books on each subject is great. Mechem on Agency, Huddy on Automobiles, Mechem on Partnership, Norton on Bills and Notes, Michie on Banks and Banking, also Michie on Carriers, Black on Bankruptcy, also Black on Taxation, fall within this group as do Cook on Corporations, also Clark on Corporations, Anson on Contracts,

Elliott on Contracts, and Clark on Contracts, Daniel on Negotiable Instruments, also Brannon on Negotiable Instruments, Ogden on Negotiable Instruments, Clark on Criminal Law, Wharton on Conflict of Laws, Pomeroy's Equity; Story on Equity, Elliott on Evidence, and Jones on Evidence, Vance on Insurance, Jones on Liens, Tiffany on Real Property, Cooley on Taxation, also Cooley on Torts, Perry on Trusts and Trustees, Elliott on Railroads; Schouler on Wills, Lindley on Mines, and Thornton on Oil and Gas, Foster on Federal Practice, Abbott's Jury Trials.

Of the encyclopedia Cyc. is a most valuable asset to every law library. It covers the whole field of research under about four hundred main titles, with full annotations, and each year is supplemented by a volume containing recent cases bearing on the same topics.

Corpus Juris, being a revision of Cyc., is of the same style in compilation and while still incomplete is a series of great value.

Of the digests the American Digest System, the Century, First and Second Decennial, and Key Number A series is a most essential set of books covering as it does in the four units the entire state reports from 1658 to the present date; all are indexed and the last volumes, those of the Key Number A series, contain the tables of all cases appealed and affirmed.

Of the law dictionaries Bouvier's in three volumes, representing one type, and Black representing the other type are probably best known.

The third class of books, those which aid the lawyer to find the law, is represented by several groups of books. Rose's Notes on U. S. Reports, in which the cases are chronologically arranged, is a valuable set of this class. The Citator is represented best by the "Shepards Citator" which seeks to trace the judicial history of each reported case. These cover the Federal and U. S. Reports and state reports as contained in the National Reporter System, and also many individual states reports. The L. R. A. Red Book belongs to this group, also the Blue Book of the Reporter System.

If he will but bear in mind this grouping of our library into the three classes, the research work should become a great pleasure as well as a profit to the student.

CLARA W. WHITE,

Librarian of the College of Law,  
University of Kentucky.

#### COMMUNICATIONS

Henderson, Ky., January 8, 1923.

Kentucky Law Journal,  
Lexington, Kentucky.

Dear Sirs:

I notice in your November, 1922, publication, page 1, in a well written article by W. Lewis Roberts, that he has occasion to refer to the Husband and Wife Bill of Kentucky as the "Weissinger Act."

It is the husband and wife act of 1894 and has been called by some judges the "Weissinger Act."

Why this was ever done, I cannot understand.

My father, S. B. Vance, drafted the bill when he was a member of the State Legislature, and he and Judge W. N. Beckner of Winchester, Kentucky, secured the passage of the bill.

In signing that bill, Governor Brown used two gold stub pens, one of which he gave to my father and the other to Judge Beckner, in recognition of their said services connected with that act.

I have the pen which was given to my father by Governor Brown and, I suppose, the pen given to Judge Beckner is held by some member of his family.

Upon examination of the Senate Journal, 1894, you will find, page 105, that Mr. Weissinger introduced a bill on subject of Husband and Wife, and that bill came up for consideration before the Senate, as shown by pages 182 and 192, and, on page 229, you will find that the substitution proposed by the Senate Committee on General Statutes was adopted in lieu of the "Weissinger Bill" and that finally disposed of the "Weissinger Bill" on January 25, 1894.